

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

•••REMARKS/ARGUMENTS•••

The Office Action of June 26, 2006 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, the title of the invention has been changed to be commensurate with the claimed invention.

By the present amendment, independent claim 1 has been changed to recite that R^4 in the general formula: $CH_2=CR^1-R^4-CR^1=CH_2$ is an alkyl group of C_1-C_{20} , which may have at least one ether bond.

Support for this limitation can be found on page 5, lines 12-23 of applicants' original specification at which there is a discussion of introducing alkenyl groups into the acrylic polymer together with a description of the organic group having 1-20 carbon atoms (and including alkyl groups) and at page 6, lines 13-24 of applicants' original specification where the method of introducing at least two alkenyl groups into a compound.

In addition, claim 15 has been changed in the manner suggested by the Examiner to correct an inadvertent typographical error.

Entry of the changes to the title of the invention and to the claims is respectfully requested and believed to be properly enterable after Final Rejection inasmuch as, for reasons set forth below, the present invention as claimed is distinguishable over the prior art absent the

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

changes to claim 1 (because second monomer in Kusakabe has been misinterpreted). Ergo, the limitations added to claim 1 merely further distinguish the claimed invention over the prior art.

Claims 1-15 are pending in this application.

On page 2 of the Office Action the Examiner has repeated his objection to the title.

In response to the Examiner's objection to the title, applicants have amended the title of the invention to read: METAL-LAMINATED OR RESIN LAMINATED GASKET.

This title is believed to be commensurate with the claimed invention and more descriptive of the invention.

Also on page 2 of the Office Action the Examiner objected to claim 15 due to an inadvertent typographical error which has been corrected in the present amendment.

Claims 1-3, 5, 6, 8, 9, 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,463,704 to Farnam in view of U.S. Patent No. 5,986,014 to Kusakabe et al.

Claims 4 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farnam in view of Kusakabe et al. and U.S. Patent No. 6,444,740 to DeCato et al.

Claims 7 and 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farnam in view of Kusakabe et al., DeCato et al. and U.S. Patent No. 5,684,110 to Kawamura.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art relied upon by the Examiner and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Appl. No. 10/506,487
 Amdt. Dated September 26, 2006
 Reply to Office Action of June 26, 2006

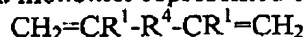
Favorable reconsideration is earnestly solicited.

The Examiner has relied upon Farnam as teaching:

...a gasket (Abstract, line 2), which comprises a cured product layer (Abstract, line 17 "cure the coating") and a metal plate or resin plate (col. 3, line 26 "polymeric material", a resin), the cured product layer being provided on at least one surface of the resin plate (col. 8, lines 46-48 "applied to top and bottom surfaces" and Abstract, lines 4-5 and 17).

The Examiner concedes that:

Farnam (704) fails to teach of a composition comprising an acrylic polymer having at least one alkenyl group capable of undergoing hydrosilylation reaction by copolymerization of an acrylic acid ester monomer and a compound as a second monomer represented by the general formula:

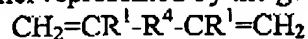


Wherein R¹ is a hydrogen atom or a methyl group and R⁴ is an organic group of C₁-C₂₀ which may have at least one ether bond:

wherein the second monomer is one of 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene;
 a hydrosilyl group-containing compound; and
 a hydrosilylation catalyst as essential components.

Accordingly, the Examiner has relied upon Kusakabe et al as teaching:

...a composition comprising an acrylic polymer having at least one alkenyl group capable of undergoing hydrosilylation reaction (col. 11, lines 43-45), at least one alkenyl group capable of undergoing hydrosilylation reaction by copolymerization of an acrylic acid ester monomer and a compound as a second monomer represented by the general formula:



Wherein R¹ is a hydrogen atom of a methyl groups R⁴ is an organic group of C₁-C₂₀ which may have at least one ester bond (See col. 5, l. 59 to col. 6, l. 33 wherein Applicant's R¹ is equivalent to Kusakabe's R³ which is a hydrogen or a methyl group and explained in col. 5, ll. 63-67 and Applicant's R⁴ is equivalent to Kusakabe's R⁴ and R⁵ when R⁴ is phenylene, C₆H₄ and R⁵ is C₁-C₂₀, thus an organic group of C₁-C₂₀);

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

wherein the second monomer is one of 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene (col. 12, ll. 56-60);

a hydrosilyl group-containing compound (col. 11, l. 46) and a hydrosilylation catalyst as essential components (col. 14, ll. 49-50) for the purpose of providing good depth curability without foaming (col. 14, ll. 47-50).

In combining the teachings of Farnam and Kusakabe et al. the Examiner takes the position that:

... it would have been obvious to one having ordinary skill in the art at the time applicants' invention was made to substitute the composition of Farnam (704) with the well known acrylic polymer as described above in order to provide gaskets with good depth curability without foaming as taught by Kusakabe ('014).

The Examiner's interpretation and application of the teachings of Farnam and Kusakabe requires R⁴ to be phenylene.

In order to further distinguish the present invention over the prior art, independent claim 1 has been changed to recite that R⁴ is an alkyl group of C₁-C₂₀, which may have at least one ether bond.

This recitation/limitation precludes the Examiner from interpreting Farnam and Kusakabe in such a manner to read on applicants' claimed invention.

Further it is noted that on page 4, lines 10-11 of the Office Action the Examiner interprets Kusakabe as:

wherein the second monomer is one of 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene (col. 12, ll. 56-60);

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

It is noted that the that 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene in Kusakabe are used as ingredients in component (B) which is a polyvalent hydrogensilicon compound that is used for a curable composition that comprises "(A) a (meth)acrylic polymer having alkenyl groups at the chain ends prepared according to one of the methods described above and (B) a polyvalent hydrogensilicon compound" (See col. 11 lines 43-46 and col. 12, line 50 through col. 13, line 38 of Kusakabe).

Accordingly, the 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene in Kusakabe are not used as the second monomer represented by the general formula $\text{CH}_2=\text{CR}^1-\text{R}^4-\text{CR}^1=\text{CH}_2$ of the present invention.

As a consequence, the Examiner's proposed combination of the teachings of Farnam and Kusakabe fails to read on applicants' invention even absent applicants' use of an alkyl group for R^4 .

In contrast to Kusakabe, the 1,5-hexadiene, 1,7-octadiene and 1,9-decadiene in the present invention are used as the second monomer of the acrylic polymer as discussed on page 6, lines 13-24 of applicants' original specification.

Accordingly, the Examiner's interpretation and reliance upon Kusakabe are in error.

The Examiner has relied upon DeCato et al. as teaching that a cured product layer's surface hardness can vary depending on the additives.

The Examiner has relied upon Kawamura as teaching resins that have a softening point of 100 °C or more for the purpose of providing a gasket to undergo a very slow cure for having acceptable storage stability.

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

The Examiner's further reliance upon DeCato et al and Kawamura do not address or overcome the distinctions between the present invention and Kusakabe et al. noted above or that the fact that the combination of Farnam and Kusakabe et al. do not render the pending independent claims obvious.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejections of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejections of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

Appl. No. 10/506,487
Amdt. Dated September 26, 2006
Reply to Office Action of June 26, 2006

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

158614.1